

REMARKS

Reconsideration and withdrawal of the rejections of the application are requested in view of the amendments and remarks presented herein, which place the application into condition for allowance.

I. Status of claims and formal matters

Claims 1-22 are canceled. Claims 23-38 are new.

Support for the added claims can be found throughout the specification as originally filed. For example, support for independent claims 23 and 31 may be found, for instance, at page 6, lines 23-28 to page 7, lines 1-12, at page 7, lines 13-28, at page 8, lines 13-28, and in Examples 1-5. Support for claims 24 and 32 may be found, for example, at page 14, lines 3-20. Support for claims 25, 26, 33 and 34 may be found, for example, at page 8, lines 1-5. Support for claims 27-30 and 35-38 may be found, for example, at page 8, line 38 to page 9, line 1.

The Examiner is thanked for the acknowledgment that Applicant's claim of foreign priority is based on Japanese Patent Application No. 2001-304645, dated September 28, 2001. The undersigned wishes to point out to the Examiner that a certified copy of the mentioned application was filed November 16, 2005.

It is submitted that the claims are patentably distinct over the prior art and that these claims are and were in full compliance with the requirements of 35 USC § 112. The amendments of the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that these amendments should not give rise to any estoppel, as they are not narrowing amendments.

II. The rejection under 35 USC § 112, first paragraph, is overcome

Claims 1-22 were rejected under 35 USC § 112, first paragraph, as allegedly failing to enable any person skilled in the art to practice the invention in commensurate with the scope of the claims. The Office Action states that the specification does not reasonably provide enablement for any transgenic non-human mammal containing any OX40L gene operably linked to any promoter. Further, the Office Action states that the skilled person would be unable to practice the invention in view of the claims being further drawn to "GenBank Accession No. U12763."

Claims 1-22 have been canceled thereby obviating the rejection.

It is respectfully submitted that the presently claimed invention is enabled in accordance with the requirements of 35 USC § 112, first paragraph. The presently claimed invention is directed to a transgenic model mouse, and a method for constructing same, for interstitial pneumonia or inflammatory bowel disease which is obtained by introducing an OX40L expression vector, having an OX40L gene integrated therein at downstream of the T-cell specific lck promoter, into a mouse fertilized egg and by backcrossing the mouse with a C57BL/6 line mouse, which constantly expresses OX40L in T cells, and which has a spontaneous onset of interstitial pneumonia and inflammatory bowel disease. The OX40L gene may be comprised of SEQ ID NO: 1.

We note that the Office Action states that the specification “is enabling for transgenic mouse containing a transgene comprising an OX40L gene in a T-cell specific manner, a method of making said mouse using pro-nuclear injection, and a method of screening the mouse for therapeutic drugs for the treatment of autoimmune diseases.”

Accordingly, it is believed that the rejections under 35 USC § 112, first paragraph have been overcome and that claims 23-38 are indeed enabled. Reconsideration and withdrawal are respectfully requested.

III. The rejections under 35 USC § 102 are overcome

Claims 1-10 were rejected under 35 USC § 102(a), as allegedly being anticipated by Ndhlovu et al., J. of Immunology 167:2991-2993 (Sept 01, 2001) (hereinafter “Ndhlovu 1”). Claims 1-10 were rejected under 35 USC § 102(b), as allegedly being anticipated by Ndhlovu et al., FASEB J., 15:A344 (Mar 7, 2001) (hereinafter “Ndhlovu 2”). Claims 1-10 were rejected under 35 USC § 102(b), as allegedly being anticipated by Murata et al., The 30th Annual Meeting of the Japanese Society of Immunology (2000) 1-B100-P0 (hereinafter “Murata”). Claims 1-10 are rejected under 35 USC § 102(b), as allegedly being anticipated by Takayuki et al., The 30th Annual Meeting of the Japanese Society of Immunology 2-A-013-P/O (2000) (hereinafter “Takayuki”). Claims 1-10 were rejected under 35 USC § 102(b), as allegedly being anticipated by Ishii et al., The 30th Annual Meeting of the Japanese Society of Immunology 3-D-249-P/O (2000) (hereinafter “Ishii”). Claim 22 was rejected under 35 USC § 102(b), as allegedly being anticipated by Schoonjans, The Lancet 355:1008-1010 (2000) (hereinafter “Schoonjans”). And, claims 1-10 were rejected under 35 USC § 102(f), because the applicant allegedly did not invent the claimed subject matter.

Claims 1-10 have been cancelled; thus, the § 102 rejections are obviated. Applicants believe that the reasons for the rejections under 35 USC § 102 have been resolved in view of the canceled and newly added claims.

Consequently, reconsideration and withdrawal of the rejections under 35 USC § 102 in view of Ndhlovu 1, Ndhlovu 2, Murata, Takayuki, Ishii, and Schoonjans are respectfully requested.

IV. The rejections under 35 USC § 103 are overcome

Claims 11-21 were rejected under 35 USC § 103(a), as allegedly being unpatentable over Murata et al., in view of Brinster et al. and Branisteanu et al. The cited documents, alone or in combination, fail to disclose, suggest, or motivate a skilled artisan to practice the presently claimed invention.

Claims 11-21 have been canceled, thereby obviating the rejection. Applicants believe that the reasons for the rejections under 35 USC § 103 have been resolved in view of the canceled and newly added claims.

Consequently, reconsideration and withdrawal of the Section 103 rejections are earnestly requested.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to allowance, an interview, with supervisory review, is respectfully requested prior to issuance of any paper other than a Notice of Allowance. The Examiner is additionally respectfully requested to telephonically contact the undersigned to arrange a mutually convenient time and manner for the interview. The Examiner is also invited to telephonically contact the undersigned if there are any minor, formal issues that need resolving prior to issuance of a Notice of Allowance, with a view towards resolving such minor, formal issues via telephonic interview.

CONCLUSION

Applicants believe that the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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